

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Gatta,, Carney G. Jr.

Debtor(s)

Case No. _____

Judge _____

Chapter 13

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: September 27, 2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$ 700.00 per month to the Chapter 13 Trustee, starting on 10/01/2016 for approximately 60 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
Description:
Proposed date for completion: _____
☐ Refinance of real property
Description:
Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

Certificate of Notice Page 2 of 7

a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Taxes	10,000.00
State Of New Jersey	Taxes	1,500.00
Chapter 13 Standing Trustee	507(a)(1) Admin Exp.	To Be Determined

Part 4: Secured Claims**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered	Remaining Unsecured

		Collateral	Debt
None			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

None

e. Secured Claims to Be Paid in Full Through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

Part 8: Other Plan Provisions**a. Vesting of Property of the Estate**

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: _____

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: **September 27, 2016**

/s/ Daniel E. Straffi, Jr.

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: **September 27, 2016**

/s/ Carney G. Gatta

Debtor

Joint Debtor

Certificate of Notice Page 6 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Carney G. Gatta,, Jr.
 Debtor

Case No. 16-28421-MBK
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 41

Date Rcvd: Sep 28, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 30, 2016.

db
 516414894 Carney G. Gatta,, Jr., 180 Brighton Ave, Unit 24, Long Branch, NJ 07740-5264
 516414895 +Afco Credit Corporation, 14 Wall St Ste 8A-19, New York, NY 10005-2161
 516414896 American Express, PO Box 278, Ramsey, NJ 07446-0278
 516414897 Bank of America, NC4-105-03-14, PO Box 26012, Greensboro, NC 27420-6012
 516414897 Barclays Bank Delaware, PO Box 8801, Wilmington, DE 19899-8801
 516414898 Barclays Bank Delaware, PO Box 8803, Wilmington, DE 19899-8803
 516414899 +Bergdorf Goodman, 754 5th Ave, New York, NY 10019-2581
 516414900 Bk of Amer, PO Box 45144, Jacksonville, FL 32232-5144
 516414903 Cap One, PO Box 30253, Salt Lake City, UT 84130-0253
 516414904 Cap1/bergd, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3440
 516414905 Carroll McNulty & Kull, 120 Mountainview Blvd, Basking Ridge, NJ 07920-3454
 516414906 Chase, PO Box 901003, Fort Worth, TX 76101-2003
 516414907 Chase Auto, PO Box 901003, Fort Worth, TX 76101-2003
 516414909 Chase Card Services, Correspondence Dept, PO Box 15278, Wilmington, DE 19850-5278
 516414910 Continental Casualty Company, 333 S Wabash Ave, Chicago, IL 60604-4107
 516414912 +DLA Piper, LLP, 1251 Avenue of the Americas, New York, NY 10020-0073
 516414914 ++FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180
 (address filed with court: Ford Credit, National Bankruptcy Service Center, PO Box 62180, Colorado Springs, CO 80962-2180)
 516414913 First Insurance Funding Corp., 450 Skokie Blvd Ste 1000, Northbrook, IL 60062-7917
 516414916 Home Loan Services, 150 Allegheny Center Mall, Pittsburgh, PA 15212-5335
 516414918 +Jaffe & Asher, 1107 Goffle Road, Hawthorne, NJ 07506-2000
 516414919 Mb Fin Svcs, 36455 Corporate Dr, Farmington Hills, MI 48331-3552
 516414920 PNC, Attn: PNC Customer Service, PO Box 53520, Pittsburgh, PA 15253-5230
 516414921 Porsche Financial Srvc, 1 Porsche Dr, Atlanta, GA 30354-1654
 516414922 Putnam Leasing Co., 500 W Putnam Ave Ste 4, Greenwich, CT 06830-6079
 516414926 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
 (address filed with court: State Of New Jersey, PO Box 283 Division Of Taxation, Trenton, NJ 08695-0283)
 516414923 Select Portfolio Servicing, Inc, PO Box 65250, Salt Lake City, UT 84165-0250
 516414924 Select Portfolio Svcin, PO Box 65250, Salt Lake City, UT 84165-0250
 516414925 State Of New Jersey, Dept. of Banking & Insurance, 153 Halsey St, Newark, NJ 07102-2807
 516414928 State Of New Jersey, Department of Banking & Insurance, 20 W State St, Trenton, NJ 08608-1206
 516414927 State Of New Jersey, Judgment Section, PO Box 245, Department Of Treasury, Div. Of Taxation, Trenton, NJ 08695-0445
 516414931 Torneau, 3100 47th Ave # 5, Long Island City, NY 11101-3010
 516414932 +United States of America, United States Attorney General, 970 Broad St Rm 700, Newark, NJ 07102-2527

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Sep 28 2016 23:03:46 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Sep 28 2016 23:03:43 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 516414901 E-mail/PDF: ais.bmw.ebn@americaninfosource.com Sep 28 2016 22:56:26 Bmw Financial Services, 5515 Parkcenter Cir, Dublin, OH 43017-3584
 516414902 E-mail/PDF: ais.bmw.ebn@americaninfosource.com Sep 28 2016 22:55:59 Bmw Financial Services, Attn: Bankruptcy Department, PO Box 3608, Dublin, OH 43016-0306
 516414908 +E-mail/Text: bk.notifications@jpmchase.com Sep 28 2016 23:03:32 Chase Auto Finance, National Bankruptcy Dept, 201 N Central Ave MSC AZ1-1191, Phoenix, AZ 85004-1071
 516414915 E-mail/Text: hannlegal@hannfinancial.com Sep 28 2016 23:03:22 Hann Financial Service, 1 Centre Dr, Jamesburg, NJ 08831-1564
 516414917 E-mail/Text: cio.bncmail@irs.gov Sep 28 2016 23:03:15 Internal Revenue Service, PO Box 7346, Special Procedures Branch, Bky Sec., Philadelphia, PA 19101-7346
 516414930 E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:56:11 Synch/tourneau, C/o, PO Box 965036, Orlando, FL 32896-5036
 516414929 E-mail/PDF: gecsedirecoverycorp.com Sep 28 2016 22:56:10 Synch/tourneau, Synchrony Bank, PO Box 965064, Orlando, FL 32896-5064

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516414911 ##+Courter, Kobert & Cohn, PC, 1001 County Road 517, Hackettstown, NJ 07840-2731

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 41

Date Rcvd: Sep 28, 2016

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 30, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 27, 2016 at the address(es) listed below:

Daniel E. Straffi on behalf of Debtor Carney G. Gatta,, Jr. dstraafil@comcast.net,
G25938@notify.cincompass.com

TOTAL: 1